

August 7, 2003



Lawrence H. Norton, General Counsel
Federal Elections Commission
999 E Street NW
Washington, DC 20463

*Comment on
2003-22*

RE: AOR 2003-22

Dear Mr. Norton;

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2003 AUG 12 A 0954

We are writing this letter supporting the position of the American Bankers Association on the above referenced Advisory Opinion request. Our organization, the Ohio Bankers League is a non-profit association that represents commercial banks, savings banks and savings and loans. Our federal separate segregated fund is Ohio BankPac-Federal.

In two recent MURs¹, the FEC implied that it was impermissible for corporate officers to facilitate the solicitation of contributions for a trade association SSF, no matter how routine or minimal that facilitation might be. Even the mere collection of checks and the use of corporate envelopes to forward individual contributions in a bundle would appear to now be inappropriate conduct.

Everyone would agree that there was conduct in both of these specific cases that was inappropriate. We urge you to clarify however the FEC's position through a new Advisory Opinion that the issues related to the collection of individual PAC contributions and merely forwarding them in one envelope to a trade association PAC.

In 11 CFR 114.8 (e)(3) commission rules state that there is no limitation on the method of solicitation or the method of facilitation that a trade association may use to raise funds for its PAC, except that a corporate member may not use a payroll deduction system. Until recently, PAC professionals thought it was well established that the same rules extended to corporate members under both the plain language of 11 CFR 114.8 (e)(3) as well as AO 1979-8.

As pointed out in the ABA request, permitting member corporations to solicit and facilitate contributions on behalf of its trade association is good policy. Dues payments made by corporate members provide the major source of trade association funding, and it is well established that a trade association can use those funds for the administration of the association's affiliated PAC. Thus, if you look through to the source of the funding, corporate members are already supporting the solicitation or facilitation of contributions on behalf of a trade association PAC. Failure to clarify the unfortunate dicta of both the Amboy MUR and the First Consumers MUR would lead to the inconsistent result that a

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¹ MUR 5208 [the Amboy MUR] and MUR 5337 [the First Consumers MUR].

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corporate member could support the facilitation of contributions to an association PAC through its dues, but could not facilitate contributions directly.

For all of these reasons, we urge you to grant the clarification requested in AOR 2003-22.

Sincerely,


Jeffrey D. Quayle
Senior Vice President & General Counsel
Treasurer, Ohio BankPac